A/66/53/Add.1

United Nations

Report of the Human Rights Council

Eighteenth session
(12-30 September and 21 October 2011)

General Assembly
Official Records
Sixty-sixth Session
Supplement No. 53 A

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(12-30 September and 21 October 2011)

United Nations • New York, 2011

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The present volume contains the resolutions, decisions and President's statements adopted by the Human Rights Council at its eighteenth session, from 12 to 30 September and 21 October 2011.

Checklist of resolutions, decisions and President's statements

A. Resolutions

Resolution	*Title*	*Date of adoption*	*Page*
18/1	The human right to safe drinking water and sanitation	28 September 2011	7
18/2	Preventable maternal mortality and morbidity and human rights	28 September 2011	10
18/3	Panel to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	29 September 2011	12
18/4	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	29 September 2011	13
18/5	Human rights and international solidarity	29 September 2011	16
18/6	Promotion of a democratic and equitable international order	29 September 2011	20
18/7	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	29 September 2011	26
18/8	Human rights and indigenous peoples	29 September 2011	28
18/9	Resumption of the rights of membership of Libya in the Human Rights Council	29 September 2011	6
18/10	Human rights and issues related to terrorist hostage-taking	29 September 2011	32
18/11	Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	29 September 2011	34
18/12	Human rights in the administration of justice, in particular juvenile justice	29 September 2011	36
18/13	The role of prevention in the promotion and protection of human rights	29 September 2011	40
18/14	Regional arrangements for the promotion and protection of human rights	29 September 2011	42
18/15	The incompatibility between democracy and racism	29 September 2011	43
18/16	Technical assistance for the Sudan in the field of human rights	29 September 2011	46
18/17	Technical assistance and capacity-building for South Sudan in the field of human rights	29 September 2011	47

Resolution	*Title*	*Date of adoption*	*Page*
18/18	Enhancement of technical cooperation and capacity-building in the field of human rights	29 September 2011	48
18/19	Technical assistance and capacity-building for Yemen in the field of human rights	29 September 2011	51
18/20	Panel on the promotion and protection of human rights in a multicultural context, including through combating xenophobia, discrimination and intolerance	29 September 2011	52
18/21	The human rights of migrants	30 September 2011	54
18/22	Human rights and climate change	30 September 2011	57
18/23	Promoting awareness, understanding and the application of the Universal Declaration of Human Rights through sport and the Olympic ideal	30 September 2011	59
18/24	Advisory services and technical assistance for Burundi	30 September 2011	61
18/25	Advisory services and technical assistance for Cambodia	30 September 2011	62
18/26	The right to development	30 September 2011	66
18/27	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	30 September 2011	68
18/28	Mandate of the Working Group of Experts on People of African Descent	30 September 2011	70

B. Decisions

Decision	*Title*	*Date of adoption*	*Page*
18/101	Outcome of the universal periodic review: Belgium	21 September 2011	72
18/102	Outcome of the universal periodic review: Denmark	21 September 2011	72
18/103	Outcome of the universal periodic review: Palau	21 September 2011	73
18/104	Outcome of the universal periodic review: Somalia	21 September 2011	73
18/105	Outcome of the universal periodic review: Seychelles	21 September 2011	74
18/106	Outcome of the universal periodic review: Solomon Islands	21 September 2011	74
18/107	Outcome of the universal periodic review: Latvia	22 September 2011	75
18/108	Outcome of the universal periodic review: Sierra Leone	22 September 2011	75
18/109	Outcome of the universal periodic review: Singapore	22 September 2011	76
18/110	Outcome of the universal periodic review: Suriname	22 September 2011	76
18/111	Outcome of the universal periodic review: Greece	22 September 2011	77
18/112	Outcome of the universal periodic review: Samoa	22 September 2011	77
18/113	Outcome of the universal periodic review: Saint Vincent and the Grenadines	23 September 2011	78
18/114	Outcome of the universal periodic review: Sudan and South Sudan	23 September 2011	78
18/115	Outcome of the universal periodic review: Hungary	23 September 2011	79
18/116	Outcome of the universal periodic review: Papua New Guinea	30 September 2011	80
18/117	Reporting by the Secretary-General on the question of the death penalty	28 September 2011	80
18/118	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights	29 September 2011	81
18/119	Panel on freedom of expression on the Internet	29 September 2011	82
18/120	Human rights and unilateral coercive measures	30 September 2011	82
18/121	Procedural decision on the annual cycle of the Advisory Committee	30 September 2011	83

C. President's statements

Statement	*Title*	*Date of adoption*	*Page*
PRST 18/1	Technical assistance and capacity-building in Haiti	30 September 2011	84
PRST 18/2		30 September 2011	84

Introduction

1. The Human Rights Council held its eighteenth session from 12 to 30 September and on 21 October 2011. In accordance with rule 8 (b) of its rules of procedure, as contained in the annex to Council resolution 5/1, the organizational meeting of the eighteenth session was held on 26 August 2011.

2. The report of the Human Rights Council on its eighteenth session will be issued in document A/HRC/18/2.

Resolutions, decisions and President's statements adopted by the Human Rights Council at its eighteenth session

I. Resolutions brought to the attention of the General Assembly for its consideration and possible action

18/9
Resumption of the rights of membership of Libya in the Human Rights Council

The Human Rights Council,

Recalling paragraph 14 of its resolution S-15/1 of 25 February 2011,

Recalling also General Assembly resolution 65/265 of 1 March 2011, in which the Assembly decided to suspend the rights of membership in the Human Rights Council of Libya,

1. *Welcomes* the commitments made by Libya to uphold its obligations under international human rights law, to promote and protect human rights, democracy and the rule of law, and to cooperate with relevant international human rights mechanisms, including the Office of the United Nations High Commissioner for Human Rights and the international commission of inquiry established by the Human Rights Council in its resolution S-15/1;

2. *Recommends* that the General Assembly lift the suspension of the rights of membership of Libya in the Human Rights Council at its current session.

36th meeting
29 September 2011

[Adopted without a vote.]

II. Resolutions

18/1
The human right to safe drinking water and sanitation

The Human Rights Council,

Reaffirming all previous relevant resolutions of the Human Rights Council, inter alia, resolutions 7/22 of 28 March 2008, 12/8 of 1 October 2009, 15/9 of 30 September 2010 and 16/2 of 24 March 2011,

Recalling General Assembly resolution 64/292 of 28 July 2010, in which the Assembly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights,

Recalling also the holding of the General Assembly plenary meeting of 27 July 2011 entitled "The human right to water and sanitation",

Recalling further the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling the relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21 and the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in June 1996, Assembly resolutions 54/175 of 17 December 1999 on the right to development, and 58/217 of 23 December 2003 proclaiming the International Decade for Action, "Water for Life" (2005-2015),

Noting with interest relevant commitments and initiatives promoting the human right to safe drinking water and sanitation, including the Abuja Declaration, adopted at the first Africa-South America Summit, in 2006, the message from Beppu, adopted at the first Asia-Pacific Water Summit, in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation, in 2008, the Sharm el-Sheikh Final Document, adopted at the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, in 2009, and the Colombo Declaration, adopted at the fourth South Asian Conference on Sanitation, in 2011,

Bearing in mind the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation") and the outcome document adopted at the High-level Plenary Meeting of

the sixty-fifth session of the General Assembly on the Millennium Development Goals entitled "Keeping the promise: united to achieve the Millennium Development Goals",

Recalling World Health Assembly resolution 64/24 of May 2011, in which the Assembly urged Member States to, inter alia, "ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation that entitles everyone, without discrimination, to water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable for personal and domestic uses",

Deeply concerned that approximately 884 million people lack access to improved water sources and that more than 2.6 billion people do not have access to improved sanitation as defined by the World Health Organization and the United Nations Children's Fund in their 2010 Joint Monitoring Programme report, and alarmed that, every year, approximately 1.5 million children under five years of age die and 443 million school days are lost as a result of water- and sanitation-related diseases,

Affirming the need to focus on local and national perspectives in considering the issue, leaving aside questions of international watercourse law and all transboundary water issues,

1. *Welcomes* the recognition of the human right to safe drinking water and sanitation by the General Assembly and the Human Rights Council, and the affirmation by the latter that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity;

2. *Also welcomes* the work of the Special Rapporteur on the right to safe drinking water and sanitation, including the progress in collecting good practices, the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports and collection of good practices, as well as the undertaking of country missions;

3. *Acknowledges with appreciation* the third annual report of the Special Rapporteur,[1] and takes note with interest of her recommendations and clarifications with regard to national and local planning for the implementation of the right to safe drinking water and sanitation;

4. *Welcomes* the submission of the compilation of good practices on the right to safe drinking water and sanitation,[2] in which the Special Rapporteur put particular emphasis on practical solutions with regard to the implementation of the human right to safe drinking water and sanitation;

5. *Reaffirms* that States have the primary responsibility to ensure the full realization of all human rights, and must take steps, nationally and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, to achieve progressively the full realization of the right to safe drinking water and sanitation by all appropriate means, including particularly the adoption of legislative measures in the implementation of their human rights obligations;

6. *Also reaffirms* the important role that national plans of action can play as tools for the promotion and protection of human rights, as highlighted in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

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[1] A/HRC/18/33.

[2] A/HRC/18/33/Add.1.

including for the promotion and protection of the human right to safe drinking water and sanitation;

7. *Calls upon* States:

(a) To continuously monitor and regularly analyse the status of the realization of the right to safe drinking water and sanitation on the basis of the criteria of availability, quality, acceptability, accessibility and affordability;

(b) To assess existing policies, programmes and activities in the sectors of water and sanitation, giving due consideration to waste-water management, including treatment and reuse, and to monitor resources allocated to increase adequate access, as well as to identify actors and their capacity;

(c) To develop comprehensive plans and strategies, including the definition of responsibilities for all water and sanitation sector actors, to achieve progressively the full realization of the right to safe drinking water and sanitation for all, or re-examine and revise them where necessary to ensure consistency with human rights standards and principles;

(d) To assess whether the existing legislative and policy framework is in line with the right to safe drinking water and sanitation, and to repeal, amend or adapt it in order to meet human rights standards and principles;

(e) To ensure full transparency of the monitoring and assessment of the implementation of plans of action, projects and programmes in the sectors of water and sanitation and to ensure, including in the planning process, the free, effective, meaningful and non-discriminatory participation of all people and communities concerned, particularly people living in disadvantaged, marginalized and vulnerable situations;

(f) To set access targets to be reached in short-time periods for universal service provision, giving priority to realizing a basic level of service for everyone before improving service levels for those already served;

(g) To set indicators, including disaggregated data, based on human rights criteria,[3] to monitor progress and to identify shortcomings to be rectified and challenges to be met;

(h) To ensure financing to the maximum of available resources in order to implement all the necessary measures to ensure that water and sanitation systems are sustainable and that services are affordable for everyone, while ensuring that allocated resources are not limited to infrastructure but also include resources for regulatory activities, operation and maintenance, the institutional and managerial structure and structural measures, including increasing capacity;

(i) To provide for a regulatory framework aimed at ensuring that all water and sanitation service providers respect and protect human rights and do not cause human rights violations or abuses, and to ensure that national minimum standards, based on human rights criteria, are in place when water and sanitation services are decentralized, in order to ensure coherence and countrywide compliance with human rights;

(j) To provide for a framework of accountability that provides for adequate monitoring mechanisms and legal remedies, including measures to overcome obstacles in access to justice and other accountability mechanisms, and lack of awareness of the law, human rights and opportunities to claim these rights;

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[3] See A/65/254, paras. 22-48 and 53-60.

8. *Invites* States to continue to promote, at all levels, including at the highest level, the full realization of the human right to safe drinking water and sanitation in forthcoming national, regional and international initiatives, inter alia, the Global Forum on Sanitation and Hygiene of the Water Supply and Sanitation Collaborative Council in October 2011, in Mumbai, India, and the sixth World Water Forum in March 2012, in Marseille, France;

9. *Stresses* the important role of the international cooperation and technical assistance provided by States, specialized agencies of the United Nations system, international and development partners, as well as by donor agencies, in particular in the timely achievement of the relevant Millennium Development Goals, and urges development partners to adopt a human rights-based approach when designing and implementing development programmes in support of national initiatives and plans of action related to the right to safe drinking water and sanitation;

10. *Encourages* all Governments to continue to respond favourably to requests by the Special Rapporteur for visits and information, to follow up effectively on recommendations of the mandate holder and to make available information on measures taken in this regard;

11. *Requests* the Special Rapporteur to continue to report, on an annual basis, to the Human Rights Council and to submit an annual report to the General Assembly;

12. *Encourages* the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the human right to safe drinking water and sanitation;

13. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the resources and assistance necessary for the effective fulfilment of her mandate;

14. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

34th meeting
28 September 2011

[Adopted without a vote.]

18/2
Preventable maternal mortality and morbidity and human rights

The Human Rights Council,

Recalling its resolutions 11/8 of 17 June 2009 and 15/17 of 30 September 2010 on preventable maternal mortality and morbidity and human rights,

Reaffirming the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and its review conferences, including the outcome document of the 15-year review of the Programme of Action contained in Commission on Population and Development resolution 2009/1 of 3 April 2009, Commission on the Status of Women resolution 54/5 of 12 March 2010, and the targets and commitments regarding the reduction of maternal mortality and universal access to

reproductive health, including those contained in the 2000 Millennium Declaration[4] and the 2005 World Summit Outcome,[5]

Welcoming recent regional and international initiatives relevant to preventable maternal mortality and morbidity and human rights, including the Secretary-General's Global Strategy for Women's and Children's Health, and the related establishment of the Commission on Information and Accountability for Women's and Children's Health, and noting that the report of the Commission, "Keeping promises, measuring results", contains recommendations relevant to eliminating preventable maternal mortality and morbidity using a human rights-based approach,

Welcoming also the outcome document of the High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, held in New York from 20 to 22 September 2010, entitled "Keeping the promise: united to achieve the Millennium Development Goals", and reaffirming in particular the deep concern expressed therein by the Assembly at the alarming global levels of maternal and child mortality and its grave concern at the slow progress being made on reducing maternal mortality and improving maternal and reproductive health, as well as the commitments to accelerate progress in order to achieve Millennium Development Goal 5, on improving maternal health, and Goal 8, on a global partnership for development,

1. *Takes note with interest* of the analytical compilation of good or effective practices that exemplify a human rights-based approach to eliminating preventable maternal mortality and morbidity prepared by the Office of the United Nations High Commissioner for Human Rights,[6] and takes note also of the contribution of the said compilation, together with the thematic study on preventable maternal mortality and morbidity and human rights prepared by the Office of the High Commissioner,[7] towards a human rights-based approach to reducing preventable maternal mortality and morbidity;

2. *Recognizes* that, as illustrated by the above-mentioned thematic study and analytic compilation, a human rights-based approach to eliminate preventable maternal mortality and morbidity is an approach underpinned by the principles of, inter alia, accountability, participation, transparency, empowerment, sustainability, non-discrimination and international cooperation;

3. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to take action at all levels to address the interlinked root causes of maternal mortality and morbidity, such as poverty, malnutrition, harmful practices, lack of accessible and appropriate health-care services, information and education, and gender inequality, and to pay particular attention to eliminating all forms of violence against women and girls;

4. *Reaffirms* that the Human Rights Council should promote the effective coordination and mainstreaming of human rights within the United Nations system;

5. *Requests* the Office of High Commissioner to convene, within existing resources, in cooperation with other relevant entities of the United Nations system, an expert workshop, open also to the participation of Governments, regional organizations, relevant United Nations bodies and civil society organizations, to prepare concise technical guidance on the

[4] General Assembly resolution 55/2.
[5] General Assembly resolution 60/1.
[6] A/HRC/18/27.
[7] A/HRC/14/39.

application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity;

6. *Also requests* the Office of the High Commissioner to present the technical guidance to the Human Rights Council;

7. *Decides* to continue considering the issue at its twenty-first session under the same agenda item.

34th meeting
28 September 2011

[Adopted without a vote.]

18/3
Panel to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The Human Rights Council,

Recalling all resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Affirming that the above-mentioned anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

1. *Decides* to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the panel discussion within existing resources, and to liaise with the independent expert on minority issues, States, relevant United Nations bodies and agencies, as well as with civil society, non-governmental organizations and national human rights institutions with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

35th meeting
29 September 2011

[Adopted without a vote.]

18/4
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010 and 15/26 of 1 October 2010,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Recalling the holding of regional consultations in all five regions from 2007 to 2010, in which participants noted that the enjoyment and exercise of human rights were increasingly impeded by the emergence of several new challenges and trends relating to mercenaries or their activities and by the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of those consultations,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

6. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

7. *Calls upon* all States that have not yet become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

8. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

10. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

12. *Acknowledges* with appreciation the work and contributions made by the Working Group, and takes note of its latest report;[8]

13. *Takes note* of the summary of the first session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and expresses satisfaction at the participation of experts, including of the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests the Working Group and other experts to continue to do so;

14. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military or security company contribute to the work of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, taking into account the work done by the Working Group on the use of mercenaries;

15. *Requests* the Working Group to continue the work already done by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session;[9]

16. *Reiterates* its requests to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military and security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

17. *Requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities;

18. *Also requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

19. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the High Commissioner to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both

[8] A/HRC/18/32.

[9] See E/CN.4/2004/15.

professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-seventh session and to the Human Rights Council at its twenty-first session;

22. *Decides* to continue its consideration of this matter under the same agenda item at its twenty-first session.

35th meeting
29 September 2011

[Adopted by a recorded vote of 31 to 11, with 4 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Malaysia, Mauritius, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, United States of America

Abstaining:

Maldives, Mauritania, Mexico, Switzerland]

18/5
Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005, Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010 and 17/6 of 16 June 2011, and Council decision 16/118 of 25 March 2011, and taking note of the reports submitted by the independent expert on human rights and international solidarity, in particular the latest report,[10]

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective

[10] A/HRC/15/32.

international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Taking into account the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including, in particular, the adoption of legislative measures,

Persuaded that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing its concern at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several developing countries, particularly least developed and African countries, as well as the small and vulnerable economies,

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for developing countries, in particular the most vulnerable countries throughout the world,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming also the fact that the achievement of the Millennium Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts made by developing countries to realize the right to development of

their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Affirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Expresses* its determination to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

5. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crises, particularly in developing countries;

6. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

7. *Affirms* that much more is needed owing to the magnitude of global and local challenges, the alarming increase in natural and man-made disasters and the continuing rises in poverty and inequality; ideally, solidarity should be preventive rather than simply reactive to massive irreversible damage already caused, and must address both natural and man-made disasters;

8. *Recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, civil society, global social movements and countless people of goodwill reaching out to others;

9. *Also recognizes* that the so-called "third-generation rights" closely interrelated with the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and

individuals to international solidarity into their activities, and to cooperate with the independent expert on human rights and international solidarity in her mandate, to supply all necessary information requested by her and to give serious consideration to responding favourably to her requests to visit their country to enable her to fulfil her mandate effectively;

11. *Takes note* of the note by the Secretariat on the report of the independent expert,[11] and regrets the non-submission of the report requested by the Human Rights Council in its resolution 15/13;

12. *Also takes note* of the work plan presented by the independent expert to the Human Rights Council at its eighteenth session, and requests the independent expert to continue to identify areas to be addressed, the main concepts and norms that can form the basis of a framework, and good practices to inform the future development of law and policy with regard to human rights and international solidarity;

13. *Requests* the independent expert to continue her work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right by addressing, inter alia, existing and emerging obstacles to its realization;

14. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of her mandate;

15. *Takes note* of the steps taken by the drafting group established by the Human Rights Council Advisory Committee to consider this issue, and reiterates its requests to the Advisory Committee to prepare, in close cooperation with the independent expert, inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

16. *Requests* the United Nations High Commissioner for Human Rights to convene in 2012, prior to the twenty-first session of the Human Rights Council, a workshop for an exchange of views on, inter alia, the gender implications of international solidarity, the impact of a right to international solidarity, the role of international solidarity in achieving the Millennium Development Goals and the realization of the right to development, with the participation of representatives from all interested States, the independent expert, the members of the Advisory Committee dealing with this issue, and civil society;

17. *Requests* the independent expert to present to the Human Rights Council a summary of the discussions held at the workshop, in conformity with the programme of work of the Council;

18. *Also requests* the independent expert to submit a report on the implementation of the present resolution to the Human Rights Council at its twenty-first session;

[11] A/HRC/18/34.

19. *Decides* to continue its examination of this issue at its twenty-first session under the same agenda item.

35th meeting
29 September 2011

[Adopted by a recorded vote of 33 to 12, with 1 abstention. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Mauritania]

18/6
Promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on this issue, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolution 8/5 of 18 June 2008,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law as set forth in Articles 1 and 2 of the Charter and, inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to

practise tolerance and good-neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Stressing that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Emphasizing that democracy is not only a political concept, but that it also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Reaffirming that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

Underlining the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Deeply concerned that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures, at the global level, that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

Stressing also the need for adequate financing of and technology transfer to developing countries, in particular landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

Having listened to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and the annexes thereto,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

4. *Reaffirms* the Universal Declaration of Human Rights, in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right to choose representatives freely through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

5. *Calls upon* all Member States to fulfil their commitment expressed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through

broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

6. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in economic, commercial and financial international relations;

(n) The enjoyment by everyone of ownership of the common heritage of mankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, that should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

9. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

10. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

11. *Also reaffirms* the need to continue working urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

12. *Further reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

13. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

14. *Decides* to establish, for a period of three years, a new special procedures mandate of independent expert on the promotion of a democratic and equitable international order, with the following mandate:

(a) To identify possible obstacles to the promotion and protection of a democratic and equitable international order, and to submit proposals and/or recommendations to the Human Rights Council on possible actions in that regard;

(b) To identify best practices in the promotion and protection of a democratic and equitable international order at the local, national, regional and international levels;

(c) To raise awareness concerning the importance of promoting and protecting of a democratic and equitable international order;

(d) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of a democratic and equitable international order;

(e) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council, international financial institutions, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;

(f) To integrate a gender perspective and a disabilities perspective into his or her work;

(g) To report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

(h) To support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world;

15. *Calls upon* all Governments to cooperate with and assist the independent expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her in order to enable him or her to fulfil his or her duties effectively;

16. *Requests* the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

17. *Requests* the independent expert to present his or her first report to the Human Rights Council at its twenty-first session;

18. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms extended by the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions to its implementation;

19. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

20. *Requests* the Office of the High Commissioner to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations, and to disseminate it on the widest possible basis;

21. *Decides* to continue consideration of this matter under the same agenda item at its twenty-first session.

35th meeting
29 September 2011

[Adopted by a recorded vote of 29 to 12, with 5 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, China, Congo, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan,

Malaysia, Maldives, Mauritius, Nigeria, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America

Abstaining:

Chile, Costa Rica, Mauritania, Mexico, Peru]

18/7
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity,[12] and the updated version of those principles,[13]

Recalling also General Assembly resolution 60/147 of 16 December 2005 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling further Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, as well as Human Rights Council resolutions 12/11 of 1 October 2009, on human rights and transitional justice, 9/11 of 18 September 2008 and 12/12 of 1 October 2009, on the right to the truth, and 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, as well as Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice,

Recalling the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24, paragraph 2, sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble reaffirms the right to freedom to seek, receive and impart information to that end,

Recalling also the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies,[14] including the relevant recommendations

[12] E/CN.4/Sub.2/1997/20/Rev.1, annex II.

[13] E/CN.4/2005/102/Add.1.

[14] S/2004/616.

contained therein, and the report of the Secretary-General entitled "Uniting our strengths: enhancing United Nations support for the rule of law",[15]

Noting with appreciation the active engagement of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in assisting States to address gross human rights violations and serious violations of international humanitarian law, in cooperation with and at the request of States,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also General Assembly resolution 60/251 of 15 March 2006,

Recognizing that the special procedure on the promotion of truth, justice, reparations and guarantees of non-recurrence will deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels and to promote reconciliation,

Emphasizing the importance of a comprehensive approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

1. *Decides* to appoint, for a period of three years, a special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose tasks will include:

(a) To contribute, upon request, to the provision of technical assistance or advisory services on the issues pertaining to the mandate;

(b) To gather relevant information on national situations, including on normative frameworks, national practices and experiences, such as truth and reconciliation commissions and other mechanisms, relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to study trends, developments and challenges and to make recommendations thereon;

(c) To identify, exchange and promote good practices and lessons learned, as well as to identify potential additional elements with a view to recommend ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence;

(d) To develop a regular dialogue and cooperate with, inter alia, Governments, international and regional organizations, national human rights institutions and non-governmental organizations, as well as relevant United Nations bodies and mechanisms;

[15] A/61/636-S/2006/980.

(e) To make recommendations concerning, inter alia, judicial and non-judicial measures when designing and implementing strategies, policies and measures for addressing gross violations of human rights and serious violations of international humanitarian law;

(f) To undertake a study, in cooperation with and reflecting the views of, inter alia, States and relevant United Nations bodies and mechanisms, international and regional organizations, national human rights institutions and non-governmental organizations, on the ways and means to implement the issues pertaining to the mandate;

(g) To conduct country visits and to respond promptly to invitations from States;

(h) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;

(i) To raise awareness concerning the value of a systematic and coherent approach when dealing with gross violations of human rights and serious violations of international humanitarian law, and to make recommendations in this regard;

(j) To integrate a gender perspective throughout the work of the mandate;

(k) To integrate a victim-centred approach throughout the work of the mandate;

(l) To work in close coordination, while avoiding unnecessary duplication, with the Office of the United Nations High Commissioner for Human Rights, intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council and with other relevant actors;

2. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their country in order to enable him or her to fulfil his or her duties effectively;

3. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of his or her mandate;

4. *Requests* the Special Rapporteur to report annually to the Human Rights Council and the General Assembly.

35th meeting
29 September 2011

[Adopted without a vote.]

18/8
Human rights and indigenous peoples

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

Recalling also Human Rights Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008, 12/13 of 1 October 2009 and 15/7 of 30 September 2010,

Bearing in mind that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

Recalling the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 on 13 September 2007,

Welcoming General Assembly resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and inviting States to contribute to the Fund,

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting their histories, languages, oral traditions, philosophies, writing systems and literatures to future generations, and designating and retaining their own names for communities, places and persons,

Recognizing also that the study on education of the Expert Mechanism on the Rights of Indigenous Peoples[16] highlights the fact that education is an important way to contribute to the maintenance of indigenous cultures,

Recognizing further the need to find ways and means of promoting the participation of recognized indigenous peoples' representatives in the United Nations system on issues affecting them, given that they are not always organized as non-governmental organizations,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[17] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples and the official visits he has made in the past year, takes note with appreciation of his report,[18] and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-seventh session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples and takes note with appreciation of the report on its fourth session;[19]

[16] A/HRC/12/33.
[17] A/HRC/18/26.
[18] A/HRC/18/35.
[19] A/HRC/18/43.

5. *Also welcomes* the practice adopted during the third and fourth sessions of the Expert Mechanism of devoting specific time to the discussion of updates relevant to past mandated thematic studies of the Expert Mechanism, recommends that the Expert Mechanism adopt this practice on a permanent basis, and encourages States to continue to participate in and contribute to these discussions;

6. *Encourages* States to consider, in cooperation with indigenous peoples and on the basis of past advice of the Expert Mechanism, initiating and strengthening, as appropriate, legislative and policy measures that prioritize education in the design and implementation of national development strategies affecting indigenous peoples, including measures that will strengthen the culture and languages of indigenous peoples;

7. *Welcomes* the completion by the Expert Mechanism of its final study on indigenous peoples and the right to participate in decision-making[20] and the inclusion of the examples of good practices at different levels of decision-making therein, including those in connection with the activities of extractive industries, and encourages all interested parties to consider them a practical guide on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

8. *Requests* the Expert Mechanism to continue to build on its previous studies, including its study on indigenous peoples and the right to participate in decision-making, as laid out in the Expert Mechanism's latest report;

9. *Also requests* the Expert Mechanism to prepare a study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, and to present it to the Human Rights Council at its twenty-first session;

10. *Further requests* the Expert Mechanism to undertake, with the assistance of the Office of the High Commissioner, a questionnaire to seek the views of States on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Welcomes* the adoption of General Assembly resolution 65/198, in which the Assembly decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and stresses the importance of the open-ended consultations that will be conducted by the President of the Assembly with Member States and with representatives of indigenous peoples in order to determine the modalities for the meeting, including the participation of indigenous peoples in the Conference;

12. *Also welcomes*, in this regard, the preparatory process, and requests the Expert Mechanism, in accordance with General Assembly resolution 65/198, to discuss the upcoming World Conference and, together with other relevant mechanisms on indigenous peoples' issues, to contribute to the exploration of the modalities for the meeting, including indigenous peoples' participation in the World Conference and its preparatory process;

13. *Requests* the Secretary-General, in cooperation with the Office of the High Commissioner, the Office of Legal Affairs and other relevant parts of the Secretariat, to prepare a detailed document on the ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, given that they are not always organized as non-governmental organizations, and on how such

[20] A/HRC/18/42.

participation might be structured, drawing from, inter alia, the rules governing the participation in various United Nations bodies by non-governmental organizations (including Economic and Social Council resolution 1996/31) and by national human rights institutions (including Human Rights Council resolution 5/1 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005), and to present it to the Council at its twenty-first session;

14. *Decides* to hold, on an annual basis and within existing resources, a half-day panel discussion on the rights of indigenous peoples and, in this regard, to hold, at its twenty-first session, a half-day panel discussion on access to justice by indigenous peoples;

15. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to fulfil that role effectively, including with the support of the Office of the High Commissioner and, in that regard, welcomes the initiative by the Office and national human rights institutions to develop an operational guide for such institutions with the objective of attaining the goals of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages its widest dissemination upon its completion;

16. *Also welcomes* the ongoing cooperation and coordination among the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner, and welcomes, in this regard, their permanent effort to promote the United Nations Declaration on the Rights of Indigenous Peoples;

17. *Reaffirms* that the universal periodic review, together with the United Nations treaty bodies, are important mechanisms for the promotion and protection of human rights and, in that regard, encourages effective follow-up on accepted universal periodic review recommendations concerning indigenous peoples, as well as serious consideration to follow-up to treaty body recommendations on the matter;

18. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for that Declaration;

19. *Welcomes* the fourth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States that have endorsed it to take measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

20. *Also welcomes* the establishment of the United Nations-Indigenous Peoples Partnership, and encourages the Partnership to carry out its mandate regarding the United Nations Declaration on the Rights of Indigenous Peoples through the mobilization of resources and in close cooperation and coordination with States, indigenous peoples, Human Rights Council mechanisms, United Nations bodies and agencies relating to indigenous peoples, national human rights institutions and other stakeholders;

21. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

35th meeting
29 September 2011

[Adopted without a vote.]

18/9
Resumption of the rights of membership of Libya in the Human Rights Council

For the text of the resolution, see chapter I.

18/10
Human rights and issues related to terrorist hostage-taking

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on hostage-taking, on human rights and terrorism and on the promotion and protection of human rights while countering terrorism, in particular Assembly resolutions 61/172 of 19 December 2006 and 64/168 of 18 December 2009, Commission resolutions 2004/44 of 19 April 2004 and 2005/31 of 19 April 2005, Council resolution 13/26 of 26 March 2010, Council decision 15/116 of 7 October 2010 and President's statement PRST/1/2 of 13 November 2006,

Recalling also the mandate of the Human Rights Council as set forth in General Assembly resolution 60/251 of 15 March 2006,

Recalling further its resolution 5/1 on institution-building of the Human Rights Council of 18 June 2007,

Underlining the importance of all General Assembly resolutions on measures to eliminate international terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/288 of 8 September 2006 and 64/297 of 8 September 2010, and reaffirming commitments to the United Nations Global Counter-Terrorism Strategy and its four pillars,

Noting Security Council resolutions 1904 (2009) of 17 December 2009, 1963 (2010) of 20 December 2010 and 1989 (2011) of 17 June 2011,

Underlining the importance of the ratification of all relevant international conventions against terrorism, especially the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages,

Reaffirming in particular that peace and security, development and human rights are the interrelated pillars of the United Nations system, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognizing that effective counter-terrorism

measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by terrorists and their negative impact on the realization and the enjoyment of human rights,

Bearing in mind that the Security Council, in its resolution 1963 (2010), noted with concern that terrorism continues to pose a serious threat to international peace and security, the enjoyment of human rights and the social and economic development of all Member States, and undermines global stability and prosperity, that this threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts, and recognized that development, peace and security and human rights are interlinked and mutually reinforcing,

1. *Recognizes* the need to reflect on the question of human rights and issues related to terrorist hostage-taking;

2. *Notes with appreciation* the holding of a panel discussion on the issue of human rights in the context of action taken to address terrorist hostage-taking by the Human Rights Council at its sixteenth session;

3. *Takes note* of the summary of the panel's deliberations prepared by the Office of the United Nations High Commissioner for Human Rights;[21]

4. *Reaffirms* that all acts of terrorism, including acts of hostage-taking, wherever and by whomever they are committed, are serious crimes aimed at the destruction of human rights and are, under all circumstances, unjustifiable;

5. *Recognizes* that the issue of hostage-taking by terrorist groups poses a number of challenges and has an adverse impact not only on the protection of the human rights of hostages but also on the protection and enjoyment of these rights by those living in local communities, including in terms of socio-economic impact and development, in the countries of the regions affected by this scourge, and expresses concern at the fact that actions or measures taken to obtain the release of hostages may compound this adverse impact;

6. *Requests* the Advisory Committee to prepare a study on the issue described in paragraph 5 above for the purposes of promoting awareness and understanding, paying particular attention to its impact on human rights and the role of regional and international cooperation in this field;

7. *Encourages* the Advisory Committee, when elaborating the above-mentioned study, to take into account, as appropriate, and to refrain from duplicating the work done on the issue by competent United Nations bodies and mechanisms, and therefore to adhere strictly to the provisions contained in General Assembly resolution 60/251 and Human Rights Council resolution 5/1;

8. *Requests* the Advisory Committee to submit the study to the Human Rights Council at its twenty-third session and to present an interim report thereon at its twenty-first session.

36th meeting
29 September 2011

[Adopted without a vote.]

[21] A/HRC/18/29.

18/11
Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling also Human Rights Council resolution 9/1 of 24 September 2008 and all resolutions of the Commission on Human Rights on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004 and 2005/15 of 14 April 2005,

Affirming that the transboundary and national movements and the dumping of hazardous substances and waste may constitute a serious threat to the full enjoyment of human rights,

Affirming also that the way hazardous substances and wastes are managed throughout their lifecycle, including manufacturing, distribution, use and final disposal, may have an adverse impact on the full enjoyment of human rights,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing the importance of not duplicating the work that the United Nations is advancing under multilateral environmental agreements, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to globally ensure the environmentally sound management and disposal of hazardous substances and wastes,

1. *Takes note* of the work undertaken by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights in carrying out his mandate;

2. *Decides* to extend the mandate, with the new title of Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, for a further period of three years;

3. *Requests* the Special Rapporteur to continue to include in his report to the Human Rights Council comprehensive information on the adverse effects that the improper management and disposal of hazardous substances and wastes may have on the enjoyment of human rights, which may include information on:

(a) Human rights issues relating to transnational corporations and other business enterprises regarding environmentally sound management and disposal of hazardous substances and wastes;

(b) The question of rehabilitation of and assistance to victims of human rights violations relating to the management and disposal of hazardous substances and wastes;

(c) The scope of national legislation in relation to the implications for human rights of the management and disposal of hazardous substances and wastes;

(d) The human rights implications of waste-recycling programmes, the transfer of industries, industrial activities and technologies from one country to another and their new trends, including e-wastes and the dismantling of ships;

(e) The question of the ambiguities in international instruments that allow the movement and dumping of hazardous substances and wastes, and any gaps in the effectiveness of international regulatory mechanisms;

4. *Encourages* the Special Rapporteur to carry out his mandate in close cooperation with the United Nations Environment Programme, relevant United Nations agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of relevant international environmental conventions, with a view to mainstreaming human rights into their work and avoiding duplication;

5. *Requests* the Special Rapporteur to develop, in consultation with relevant stakeholders and with the support of the Office of the United Nations High Commissioner for Human Rights, a set of best practices with regard to the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, to be annexed to his final report to the Human Rights Council;

6. *Calls upon* countries to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

7. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the High Commissioner, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to have their observations reflected in his report to the Human Rights Council;

8. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with all the necessary assistance for the effective fulfilment of his mandate;

9. *Decides* to continue consideration of this matter under the same agenda item, in accordance with its programme of work.

36th meeting
29 September 2011

[Adopted without a vote.]

18/12
Human rights in the administration of justice, in particular juvenile justice

The Human Rights Council,

Recalling the Universal Declaration of Human Rights and all relevant international treaties, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Bearing in mind the numerous other international standards and norms in the field of the administration of justice, in particular of juvenile justice, including the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"),[22] the Basic Principles for the Treatment of Prisoners,[23] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[24] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)[25] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules),[26] the Guidelines for Action on Children in the Criminal Justice System (the Vienna Guidelines)[27] and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime,[28]

Welcoming the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the General Assembly in its resolution 65/229 on 21 December 2010, as a recent development for due consideration, and the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Assembly in its resolution 65/230 of 21 December 2010,

Recalling all resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Economic and Social Council relevant to the subject, in particular Human Rights Council resolutions 7/29 of 28 March 2008 and 10/2 of 25 March 2009, Assembly resolutions 62/158 of 18 December 2007, 63/241 of 24 December 2008 and 65/231 of 21 December 2010, and Economic and Social Council resolution 2009/26 of 30 July 2009,

Noting with interest the adoption by the Human Rights Committee of its general comments No. 21, on the humane treatment of prisoners deprived of their liberty, and No. 32, on the right to equality before courts and tribunals and to a fair trial, and the adoption by the Committee on the Rights of the Child of its general comments No. 10, on children's rights in juvenile justice, and No. 13, on the rights of the child to freedom from all violence,

Bearing in mind its decision to devote the 2012 full-day meeting on the rights of the child to the question of children and the administration of justice,

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[22] General Assembly resolution 40/33, annex.
[23] General Assembly resolution 45/111, annex.
[24] General Assembly resolution 43/173, annex.
[25] General Assembly resolution 45/112.
[26] General Assembly resolution 45/113.
[27] Economic and Social Council resolution 1997/30, annex.
[28] Economic and Social Council resolution 2005/20, annex.

Acknowledging the efforts made by the Secretary-General on improving the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice,

Noting with appreciation the important work of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict in the field of the administration of justice,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and its members, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Development Programme, the Department of Peacekeeping Operations, the Committee on the Rights of the Child and various non-governmental organizations, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in its respective work,

Reaffirming that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Emphasizing that the right to access to justice for all forms an important basis for strengthening the rule of law through the administration of justice,

Recalling that every State should provide an effective framework in which to pursue remedies to redress human rights grievances or violations,

Recalling also that the social rehabilitation of persons deprived of their liberty shall be among the essential aims of the criminal justice system, ensuring, as far as possible, that offenders are willing and able to lead a law-abiding and self-supporting life upon their return to society,

Recognizing the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while deprived of their liberty, and their vulnerability to violence, abuse, injustice and humiliation,

Reaffirming that the best interests of the child must be a primary consideration in all decisions concerning deprivation of liberty and, in particular, that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

Reaffirming also that the best interests of the child shall be an important consideration in all matters concerning the child related to sentencing of his or her parents or, where applicable, legal guardians or primary caregivers,

1. *Welcomes* the latest reports of the Secretary-General submitted to the Human Rights Council on human rights in the administration of justice, including juvenile justice;[29]

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Calls upon* States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards, and invites them to take into consideration the issue of human rights in the administration of justice in the universal periodic review procedure;

4. *Invites* Governments to include in their national development plans the administration of justice as an integral part of the development process, and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

5. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;

6. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive and child rights training, in human rights in the administration of justice, including juvenile justice, for all judges, lawyers, prosecutors, social workers, immigration, correction officers and police officers and other professionals working in the field of administration of justice;

7. *Encourages* States to pay due attention to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders when developing and implementing relevant legislation, procedures, policies and practices, and invites relevant special procedures mandate holders, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and all other relevant organizations to take these rules into consideration in their activities;

8. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

9. *Encourages* States that have not yet integrated children's issues in their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

[29] A/HRC/14/34 and 35.

10. *Encourages* States to foster close cooperation between the justice sectors, different services in charge of law enforcement, social welfare and education sectors in order to promote the use and improved application of alternative measures in juvenile justice;

11. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

12. *Encourages* States not to set the minimum age of criminal responsibility at too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, in this respect, refers to the recommendation of the Committee of the Rights of the Child to increase their lower minimum age of criminal responsibility without exception to the age of 12 years as the absolute minimum age, and to continue to increase it to a higher age level;

13. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

14. *Calls upon* States to enact or review legislation to ensure that any conduct not considered a criminal offence or not penalized if committed by an adult is not considered a criminal offence and not penalized if committed by a child, in order to prevent the child's stigmatization, victimization and criminalization;

15. *Urges* States to take all appropriate measures so that children who are victims of human trafficking are not subject to criminal sanctions for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons;

16. *Encourages* States to collect relevant information concerning children within their criminal justice systems so as to improve their administration of justice, while being mindful of the children's right to privacy, with full respect for relevant international human rights instruments, and bearing in mind applicable international standards on human rights in the administration of justice;

17. *Calls upon* States to consider establishing independent national or subnational mechanisms to contribute to monitoring and safeguarding the rights of children, including children within their criminal justice systems, and to address children's concerns;

18. *Stresses* the importance of paying greater attention to the impact of the imprisonment of parents on their children, while noting with interest the day of general discussion on the theme "The situation of children of incarcerated parents ", to be organized in 2011 by the Committee on the Rights of the Child;

19. *Urges* States to take all necessary and effective measures, including legal reform where appropriate, to prevent and respond to all forms of violence against children within the justice system;

20. *Invites* States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice, encouraging States to provide the secretariat of the Panel and its members with adequate resources;

21. *Calls upon* relevant special procedures of the Human Rights Council to give special attention to questions relating to the effective protection of human rights in the

administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

22. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce advisory services and technical assistance relating to national capacity-building in the field of the administration of justice, in particular juvenile justice;

23. *Notes with appreciation* the decision to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as on national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on Crime Prevention and Criminal Justice on possible next steps, and, in this regard, invites the expert group to benefit from the expertise of the Office of the High Commissioner and other relevant stakeholders;

24. *Invites* the Office of the High Commissioner to collaborate, within existing resources, with the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General on Violence against Children in the organization of an expert consultation on prevention of and responses to violence against children within the juvenile justice system, and to submit a report thereon;

25. *Requests* the High Commissioner to submit an analytical report to the Human Rights Council at its twenty-first session on the protection of human rights of juveniles deprived of their liberty, mindful of all applicable human rights standards and taking into account the work of all relevant human rights mechanisms of the United Nations;

26. *Decides* to continue its consideration of this issue under the same agenda item in accordance with its annual programme of work.

36th meeting
29 September 2011

[Adopted without a vote.]

18/13
The role of prevention in the promotion and protection of human rights

The Human Rights Council,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, as well as the outcomes of major United Nations conferences and relevant resolutions adopted by the General Assembly and the Human Rights Council,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Expressing concern about continued human rights violations around the world,

Recalling Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and 16/21 of 25 March 2011,

Recalling also Human Rights Council resolution 14/5 of 17 June 2010,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;

2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations, and that this responsibility involves all branches of the State;

3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations, including, inter alia, by:

(a) Considering ratifying international human rights conventions and covenants;

(b) Fully implementing international human rights conventions and covenants to which they are party;

(c) Developing good governance, democratic systems, the rule of law and accountability;

(d) Adopting policies to ensure the enjoyment of all human rights;

(e) Addressing all forms of discrimination, as well as factors, inter alia, inequality and poverty, that may lead to situations in which human rights violations are committed;

(f) Promoting a free and active civil society;

(g) Promoting freedom of expression;

(h) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(i) Promoting human rights education and training, in particular for State actors;

(j) Ensuring an independent and functioning judiciary;

(k) Fighting corruption;

4. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations, and encourages States to strengthen the mandate and capacity of such institutions, where they exist, to enable them to fulfil this role effectively in accordance with the Paris Principles;

5. *Acknowledges* that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, to the prevention of human rights violations and respond promptly to human rights emergencies;

6. *Welcomes* the submission of the report of the Office of the United Nations High Commissioner for Human Rights on the Workshop on the Role of Prevention in the

Promotion and Protection of Human Rights,[30] and takes note of the conclusions and recommendations therein;

7. *Stresses* the need to further develop and raise awareness of the concept of prevention of human rights violations in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels;

8. *Recognizes* the need for further research to assist States, at their request, and other stakeholders to understand and mainstream the role of prevention into the promotion and protection of human rights;

9. *Encourages* the Office of the High Commissioner to prepare, in close cooperation with the mandate holders of the Human Rights Council, within existing resources, a practical toolkit to support States and other stakeholders in understanding the role of prevention in the promotion and protection of human rights, and to present the toolkit to the Council at its twenty-second session;

10. *Decides* to continue consideration of the matter under the same agenda item, in conformity with its annual programme of work

36th meeting
29 September 2011

[Adopted without a vote.]

18/14
Regional arrangements for the promotion and protection of human rights

The Human Rights Council,

Recalling General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions on regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Human Rights Council resolutions 6/20 of 28 September 2007 and 12/15 of 1 October 2009,

Bearing in mind paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should work in close cooperation with regional organizations,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Reaffirming the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

1. *Takes note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the workshop on enhancing cooperation between

[30] A/HRC/18/24.

international and regional mechanisms for the promotion and protection of human rights,[31] held in Geneva on 3 and 4 May 2010, including its conclusions and recommendations;

2. *Welcomes* the progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights and their achievements in all regions of the world;

3. *Expresses its appreciation* for the interregional efforts made by the Member States of the Organization of Islamic Cooperation, as manifested by the establishment of the Independent Permanent Human Rights Commission;

4. *Requests* the High Commissioner to hold, in 2012, a workshop on regional arrangements for the promotion and protection of human rights to take stock of developments since the workshop in 2010, including a thematic discussion based on the concrete and practical experience of regional mechanisms, in order to share information on best practices, lessons learned and new possible forms of cooperation, with the participation of relevant experts from international, regional, subregional and interregional human rights mechanisms, as well as of Member States, observers, national human rights institutions and non-governmental organizations;

5. *Also requests* the High Commissioner to present to the Human Rights Council, at its twenty-second session, a report containing a summary of the discussions held at the above-mentioned workshop and of the progress towards the implementation of the present resolution.

36th meeting
29 September 2011

[Adopted without a vote.]

18/15
The incompatibility between democracy and racism

The Human Rights Council,

Guided by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents,

Recalling the commitment reached in the Vienna Declaration and Programme of Action concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Recalling further Human Rights Council decision 2/106 of 27 November 2006 and Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/30 of 23 April 2002, 2003/41 of 23 April 2003, 2004/38 of 19 April 2004 and 2005/36 of 19 April 2005, on the incompatibility between democracy and racism,

[31] A/HRC/15/56.

Acknowledging that the Durban Declaration and Programme of Action, in its paragraphs 81 and 85, and the outcome document of the Durban Review Conference, in its paragraphs 10 and 11, recognize the incompatibility between democracy and racism,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Acknowledging that the United Nations Declaration on the Rights of Indigenous Peoples, in its second, third and fifth preambular paragraphs, recognizes, inter alia, that the diversity and richness of civilizations and cultures constitute the common heritage of humankind,

Recognizing that individuals belonging to groups in a vulnerable situation, such as migrants, refugees, asylum-seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

Reaffirming that acts of racial violence do not constitute legitimate expressions of opinion, but rather unlawful acts or offences, and that acts of racism and discrimination endorsed by Governments and public authorities may threaten democracy,

Recognizing the importance of freedom of speech and expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights, as established in the relevant international and regional human rights instruments, and may endanger friendly relations and cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

2. *Also reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

3. *Emphasizes* that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

4. *Also emphasizes* that the elimination of all forms of discrimination as well as diverse forms of intolerance, the promotion and protection of rights of indigenous peoples and the respect for ethnic, cultural and religious diversity contribute to strengthening and promoting democracy and political participation;

5. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance;

7. *Also urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies through promoting diversity, and to improve democratic institutions, making them more fully participatory and inclusive and avoiding marginalization and exclusion of, and discrimination against, specific sectors of society;

8. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote respect, solidarity and tolerance, and, in that respect, recognizes, inter alia, that developing voluntary codes of conduct that include internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance, can help combat such manifestations;

9. *Emphasizes* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators, and that not doing so violates — and impairs or nullifies the enjoyment of — the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

10. *Also emphasizes* that human rights education and training is a key tool in countering the rise of extremist political parties, movements and groups, and that educational measures are crucial in promoting human rights and democratic values at an early age;

11. *Stresses* the need to increase appropriate preventive measures to eliminate all forms of racial discrimination, emphasizes the important role that Governments, political leaders, international and regional organizations, national human rights institutions, the media, non-governmental organizations and civil society can play in developing such measures, and encourages them to remain vigilant against the penetration of racist and xenophobic ideas into the political platforms of democratic parties;

12. *Encourages* States to consider developing public information and awareness-raising and education campaigns with a transdisciplinary approach with a view to combating discrimination and intolerance;

13. *Stresses* the need to implement fully the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination as the principal convention in the fight against racism;

14. *Invites* the relevant mechanisms of the Human Rights Council and United Nations treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially with regard to their incompatibility with democracy;

15. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 65/199[32] and its pertinent recommendations;

16. *Invites* the United Nations High Commissioner for Human Rights to report to the Human Rights Council at its twenty-first session on the implementation of the present resolution.

36th meeting
29 September 2011

[Adopted without a vote.]

[32] A/HRC/18/44.

18/16
Technical assistance for the Sudan in the field of human rights

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments,

Reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Emphasizing that States have primary responsibility for the promotion and protection of all human rights,

Recognizing the developments taking place in the Sudan, and the efforts of the Government of the Sudan in the promotion and protection of human rights,

1. *Takes note*[33] of the report of the independent expert on the situation of human rights in the Sudan and the addendum thereto, submitted to the Human Rights Council at its eighteenth session;

2. *Commends* the cooperation extended by the Government of the Sudan to the independent expert and to the United Nations and African Union missions in the Sudan in the field of human rights and international humanitarian law;

3. *Also commends* the efforts made by the Government of the Sudan in completing the implementation process of the Comprehensive Peace Agreement, and appreciates the genuine role played by the Government in holding the historic referendum on self-determination for South Sudan as scheduled from 9 to 15 January 2011, and urges all parties to continue their efforts to implement the remaining obligations stipulated in the Agreement;

4. *Expresses its appreciation* to the Government of the Sudan for its immediate recognition of the State of South Sudan;

5. *Welcomes* the signing of the Doha Document for Peace in Darfur, and urges non-signatory groups to join it without delay;

6. *Also welcomes* the continued work of the Sudanese Advisory Council for Human Rights aimed at the promotion and protection of human rights in the country;

7. *Welcomes* the submission by the Government of the Sudan of its first report under the universal periodic review mechanism,[34] the adoption of its outcome,[35] and the commitment made by the Government to implement accepted recommendations, and notes that a number of those recommendations call for the provision of support and technical assistance to the Government;

8. *Notes with concern* the humanitarian situation in the provinces of South Kordofan and Blue Nile, and calls upon all parties to make every effort to immediately end violence and halt clashes, to facilitate access for humanitarian assistance and to take action to strengthen the respect of the rule of law in the two provinces, and to respect all human rights and fundamental freedoms;

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[33] A/HRC/18/40 and Add.1.
[34] A/HRC/WG.6/11/SDN/1.
[35] A/HRC/18/6.

9. *Requests* Member States, relevant United Nations agencies and stakeholders to support the national efforts of the Government of the Sudan with a view to further improving the human rights situation in the country, and to respond to its requests for technical assistance;

10. *Urges* the Office of the United Nations High Commissioner for Human Rights to provide the Sudan with the necessary technical support and training;

11. *Decides* to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan under agenda item 10, requests the independent expert to engage with the Government of the Sudan with a view to identifying areas of assistance that will aid the Sudan to fulfil its human rights obligations, and to submit a report to the Human Rights Council for consideration at its twenty-first session, and requests the Secretary-General to provide the independent expert with all the assistance necessary for him to discharge his mandate fully;

12. *Decides* to consider this issue in accordance with its programme of work under agenda item 10.

36th meeting
29 September 2011

[Adopted without a vote.]

18/17
Technical assistance and capacity-building for South Sudan in the field of human rights

The Human Rights Council,

Welcoming the Republic of South Sudan as a new State and Member of the United Nations,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Reaffirming the commitment of all States to promote and protect human rights and fundamental freedoms as enshrined in, inter alia, the Charter of the United Nations and the Universal Declaration of Human Rights, and the obligation of all States to comply with international human rights treaties to which they are party,

Welcoming the commitment of the Government of South Sudan to promote and respect human rights and fundamental freedoms,

Reaffirming that States have primary responsibility for the promotion and protection of human rights,

Recalling the reports of the Special Rapporteur and the independent expert on the situation of human rights in the Sudan, and the findings and recommendations contained therein,

1. *Welcomes* the establishment of the Republic of South Sudan on 9 July 2011 upon its proclamation as an independent State;

2. *Also welcomes* the commitments made by the Government of South Sudan to strengthen national mechanisms of promotion and protection of human rights, and calls on the Government to implement those commitments;

3. *Calls upon* the Government of South Sudan to strengthen ongoing cooperation with the United Nations Mission in South Sudan on issues pertaining to the promotion and protection of human rights, and calls upon all parties to make every effort to prevent violence;

4. *Encourages* the international community to provide the Government of South Sudan with technical and financial assistance and to support its efforts to promote and protect human rights;

5. *Invites* the Office of the United High Commissioner for Human Rights, in collaboration with the Government of South Sudan, to identify and assess areas of assistance and, upon its request, to assist the Government in its efforts to promote and protect human rights;

6. *Calls upon* States Members of the United Nations, in the framework of international cooperation, relevant United Nations agencies and international financial institutions, to provide the Government of South Sudan, upon its request, with appropriate technical assistance and capacity-building to promote respect for human rights;

7. *Requests* the Office of the High Commissioner to present a report on the implementation of the present resolution to the Human Rights Council at its twenty-first session.

36th meeting
29 September 2011

[Adopted without a vote.]

18/18
Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Emphasizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to comply with their human rights obligations for the benefit of all human beings,

Recalling the mandate of the Human Rights Council to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of States concerned, and provisions in Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011, which aim to enable the Council to fulfil such a mandate,

Reaffirming the resolutions of the Commission on Human Rights that provided the foundation for advisory services and technical cooperation in the field of human rights, in particular resolutions 1993/87 of 10 March 1993 and 2004/81 of 21 April 2004,

Acknowledging one of the responsibilities of the United Nations High Commissioner for Human Rights and his/her Office in providing advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights,

Acknowledging also the role and potential impact of the activities of the relevant agencies of the United Nations and international and regional organizations, as well as the contribution of civil society organizations in providing States with technical support and assistance on the basis of needs and requests of the States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, including accepted universal periodic review recommendations,

Reaffirming the important and constructive role played by existing national human rights institutions in the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities,

1. *Reaffirms* that States have the primary responsibility for the promotion and protection of all human rights;

2. *Emphasizes* the need to promote a cooperative and constructive approach for the promotion and protection of human rights, as well as to enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building, particularly through discussions held under agenda item 10;

3. *Decides* to hold, within the framework of agenda item 10, an annual thematic discussion to promote the sharing of experiences and best practices and technical cooperation in the promotion and protection of human rights;

4. *Also decides* that the theme and work format of the discussion shall be approved by the Human Rights Council on an annual basis, in line with Human Rights Council resolution 5/1 and 16/21, and that the first discussion to be held at the nineteenth session of the Council shall be based on the theme "Sharing of best practices and promoting technical cooperation: paving the way towards the second cycle of the universal periodic review";

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground, with a view to ensuring their participation in the discussion;

6. *Takes note* of the information on technical assistance and capacity-building provided in the annual report of the Office of the High Commissioner, and encourages the Office to make available to the public, through its reports and website, on the basis of the request for technical cooperation and capacity building submitted by the State concerned, information on:

(a) Technical assistance and capacity-building provided by the Office and other relevant United Nations agencies to States in the implementation of their human rights obligations and voluntary pledges and commitments, including their accepted universal periodic review recommendations;

(b) The ongoing needs of States, with the consent of the State concerned, for technical assistance from the Office and other relevant United Nations agencies;

(c) Areas of technical assistance where more resources are needed;

7. *Invites* the High Commissioner to make an annual presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and

capacity-building efforts, particularly those provided by the Office of the High Commissioner and relevant United Nations agencies, starting from the twentieth session of the Council;

8. *Invites* the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present a comprehensive report on the Board's work to the Human Rights Council on an annual basis, starting from the twentieth session of the Council, and encourages the chairpersons of the boards of trustees of other funds administered by the Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Encourages* Members and observers of the Human Rights Council to use, where relevant, the general debate under agenda item 10 as a platform to share experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, as well as their achievements and good practices in the area of technical cooperation in the field of human rights, particularly in response to the information on technical assistance and capacity-building provided for under paragraphs 7 and 8 above;

10. *Emphasizes* that the discussion to promote technical cooperation and capacity-building in the Human Rights Council should be based on consultations with and the consent of the States concerned, and should take into account their needs and aim to make a concrete impact on the ground, while the provision of technical assistance shall be provided upon the request of States concerned;

11. *Encourages* States in need of assistance to consider requesting technical assistance from the Office of High Commissioner and the United Nations representation at the national and regional levels in the implementation of their human rights obligations and voluntary pledges and commitments, including accepted universal periodic review recommendations, and strongly encourages the Office of the High Commissioner and respective United Nations representations to respond favourably to such requests;

12. *Stresses* the importance of enhancing coordination between the Office of the High Commissioner and other United Nations agencies in their technical cooperation and capacity-building efforts, and encourages the sharing of information on a regular basis among the Office, other relevant United Nations agencies and the States concerned on technical assistance and capacity-building efforts undertaken at the national level;

13. *Encourages* special procedures mandate holders, in their interaction with States, to share information of their knowledge relating to best practices and the possibility of technical assistance and capacity-building in the promotion and protection of human rights within their respective mandates;

14. *Calls for* enhanced voluntary contributions for the relevant United Nations funds to support technical assistance and capacity-building, including the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Participation in Universal Periodic Review Mechanism and the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review, and encourages States to make contribution to these funds, especially those who have not yet done so.

36th meeting
29 September 2011

[Adopted without a vote.]

18/19
Technical assistance and capacity-building for Yemen in the field of human rights

The Human Rights Council,

Having conducted broad consultations and discussions with the Government of Yemen, and commending the cooperation that the Government has manifested in dealing with the mission of the Office of the United Nations High Commissioner for Human Rights that visited Yemen from 28 June to 6 July 2011, upon the invitation of the Government, and based on the recommendations contained in the report of the mission[36] as well as the comments provided by the Government on the report and the said recommendations, and the statement made by the Government to the Human Rights Council at the present session,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights[36] on the assessment mission to Yemen and the interactive dialogue held during the eighteenth session of the Human Rights Council, as well as the statements, observations and comments made by the Government of Yemen;

2. *Calls upon* the Government of Yemen and the other parties to address the recommendations made in the report of the High Commissioner, while acknowledging the Government's response during the interactive dialogue, in addition to the State's formal replies, comments on the report and willingness to cooperate with the United Nations and the Office of the High Commissioner;

3. *Notes* the announcement of the Government of Yemen that it will launch transparent and independent investigations, which will adhere to international standards, into credible documented allegations of human rights violations through an independent committee and in consultation with political parties;

4. *Calls upon* all parties to cooperate with the above-mentioned investigations;

5. *Condemns* all violations of human rights in Yemen by all parties;

6. *Reiterates* the commitments and obligations of the Government of Yemen to promote and protect human rights;

7. *Calls upon* all parties to move forward with negotiations on an inclusive, orderly and Yemeni-led process of political transition on the basis of the initiative of the Gulf Cooperation Council;

8. *Calls upon* the Government of Yemen and the High Commissioner to develop a framework for continued dialogue and strengthened cooperation in the field of human rights, and the international community to support this cooperation;

9. *Invites* the Office of the High Commissioner to coordinate with donors on ways to assist the Government of Yemen and non-governmental organizations with capacity-building for the establishment of a national human rights institution;

[36] A/HRC/18/21.

10. *Requests* the Office of the High Commissioner to present a progress report on the situation of human rights in Yemen and the follow-up to the present resolution to the Human Rights Council at its nineteenth session.

36th meeting
29 September 2011

[Adopted without a vote.]

18/20
Panel on the promotion and protection of human rights in a multicultural context, including through combating xenophobia, discrimination and intolerance

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments,

Reaffirming the pledge made by all States under the Charter to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming also that, as stated in the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 16 September 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

Welcoming the resolve expressed in the United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2 of 8 September 2000, to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Reaffirming the landmark importance of the Vienna Declaration and Programme of Action in the pursuit of the universal promotion and protection of human rights and its continued relevance in responding to contemporary challenges,

Recalling the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, approved by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005,

Recalling also that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures is indispensible for peace and security at the local, national and international levels,

Recognizing the importance of cultural diversity for the full realization of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

Recognizing also the contribution that diverse cultures have been making to the development and promotion of human rights and fundamental freedoms,

Bearing in mind that multiculturalism, solidarity, respect and tolerance can play an important role in the promotion and protection of human rights by combating xenophobia, violence and discrimination,

Bearing in mind also that the promotion and upholding of tolerance, respect, pluralism and diversity is essential for the promotion and protection of human rights in multicultural contexts and, in particular, for combating racism, xenophobia, intolerance and discrimination,

Recalling the primary responsibility of States in the promotion and protection of human rights,

Recalling also that, as expressed in the Universal Declaration on Cultural Diversity, no one may invoke cultural diversity to infringe upon the human rights guaranteed by international law, nor to limit their scope,

1. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and mutual respect for cultural diversity should reinforce each other;

2. *Stresses* the importance of adopting policies that ensure non-discrimination and equitable access to social, political and economic rights, thus reducing disadvantage and inequality;

3. *Decides* to convene, within existing resources, at its twentieth session, a panel discussion on the promotion and protection of human rights in a multicultural context, including through combating xenophobia, discrimination and intolerance;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures and treaty bodies, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

5. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

36th meeting
29 September 2011

[Adopted by a recorded vote of 37 to 1, with 8 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Spain, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Poland, Republic of Moldova, Romania, Switzerland]

18/21
The human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the relevance of these treaties in the protection of all migrants,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of migrants, and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants,

Recalling further the importance of the decent work agenda of the International Labour Organization, including for migrant workers, the eight fundamental Conventions of that Organization and the Global Jobs Pact adopted by the International Labour Conference at its ninety-eighth session, as a general framework within which each country can formulate policy packages specific to its situation and national priorities in order to promote a job-intensive recovery and sustainable development,

Recalling General Assembly resolution 65/170 of 20 December 2010, in which the Assembly acknowledged the important nexus between international migration and development and the need to deal with the challenges and opportunities that migration presents to countries of origin, transit and destination,

Acknowledging the successful negotiation of International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers, adopted on 16 June 2011,

Recognizing the efforts made to ensure respect for the human rights and fundamental freedoms of migrants,

Reaffirming the resolve to take further measures to ensure respect for and protection of the human rights of migrants, migrant workers and members of their families,

Bearing in mind the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants, including those perpetrated with racist or

xenophobic motivations, to investigate such crimes and to punish the perpetrators, and that not doing so violates — and impairs or nullifies the enjoyment of — the human rights and fundamental freedoms of victims, and urging States to reinforce measures in this regard, including international cooperation,

Bearing in mind also that the exercise of human rights and fundamental freedoms may only be subject to limitations and restrictions as provided by international law,

Recalling that migrant workers are among the most vulnerable in the context of the financial and economic crisis and that remittances, which are significant private financial sources for households, have been negatively affected by rising unemployment and weak earnings growth among migrant workers in some countries of destination,

Expressing concern that female migrant workers engaged in domestic services are among the most vulnerable groups of migrant workers, some of whom are subject to a widespread pattern of physical, sexual and psychological abuse and exposure to health and safety threats without adequate information about associated risks and precautions,

Expressing concern also at the fact that the vulnerable situation of migrants may result in violations of their human rights in countries of origin, transit and destination,

Recalling the Global Forum on Migration and Development process, including the debates on migratory mobility, which emphasize the importance of facilitating access to regular forms of migration and, where applicable, to social services, including health, that contribute to the strengthening of the personal development prospects and outcomes for migrants and their families,

Considering that migrants who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers, and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time when migration flows have increased in the globalized economy and take place in a context of new security concerns,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

1. *Takes note* of the report of the Special Rapporteur on the human rights of migrants;[37]

2. *Calls upon* States that have not yet signed, ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to consider doing so as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

3. *Stresses* the obligation of States to protect the human rights of migrants, regardless of their legal status, and also to take into account the principles and standards set forth in relevant international instruments that protect labour-related human rights;

4. *Expresses its concern* at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when

[37] A/HRC/17/33.

exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

5. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law;

6. *Reaffirms* the fact that all migrants are entitled to equal protection by the law, and that all persons, regardless of their migratory status, are equal before the courts and tribunals and, in the determination of his/her rights and obligations in a suit at law, are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

7. *Also reaffirms* the rights set forth in the Universal Declaration of Human Rights and the obligations of States under the International Covenants on Human Rights and, in this regard, strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, reinforce existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

8. *Requests* all States to firmly protect the human rights of migrants relating to their conditions of work, regardless of their migratory status, in particular the right to equal pay for equal work;

9. *Stresses* that migrants have the right, without any discrimination, to just and favourable conditions of work and should have the appropriate means to pursue that right, including through the protection of the rights to peaceful assembly and to freedom of association;

10. *Reaffirms* that, once a migrant assumes an employment relationship, regardless of their immigration status, the State in which he or she is employed has the obligation to ensure the respect of their labour-related human rights, as contained in the international instruments to which the State is a party;

11. *Welcomes* programmes and policies implemented by some States of destination that promote the full respect of the labour-related human rights of migrants, regardless of their immigration status, as well as initiatives of States of origin to promote labour markets;

12. *Urges* all States to strengthen measures to protect the human rights of migrant workers in times of humanitarian crisis;

13. *Encourages* countries of origin, transit and destination to seek technical assistance and/or to collaborate with the Office of the United Nations High Commissioner for Human Rights to better promote and protect the human rights of migrants;

14. *Requests* the Special Rapporteur on the human rights of migrants to continue his efforts to promote and support the building of greater synergies between States to strengthen cooperation for the protection of the human rights of all migrant workers and their families;

15. *Also requests* the Special Rapporteur to continue to report on best practices of States to protect the human rights of all migrant workers.

37th meeting
30 September 2011

[Adopted without a vote.]

18/22
Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

Bearing in mind that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

Recalling its resolutions 7/23 of 28 March 2008 and 10/4 of 25 March 2009, on human rights and climate change, and 16/11 of 24 March 2011, on human rights and the environment,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[38]

Reaffirming also the commitment to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change through long-term cooperative action, now, up to and beyond 2012, in order to achieve the ultimate objective of the Convention,

Reaffirming further the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, and recognizing that human beings are at the centre of concerns for sustainable development and that the right to development must be fulfilled so as to equitably meet the developmental and environmental needs of present and future generations,

Welcoming the decision to organize, in June 2012, the United Nations Conference on Sustainable Development in Rio de Janeiro, and taking note of the invitation of the General Assembly, in its resolution 64/236 of 20 December 2009, to organizations and bodies of the United Nations to contribute to the preparatory process for the Conference,

Recognizing the challenges of climate change to development and to the progress made towards the achievement of the Millennium Development Goals, in particular with regard to the goals on the eradication of extreme poverty and hunger, on environmental sustainability and on health,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all

[38] FCCC/CP/2010/7/Add.1, dec.1/CP.16.

countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Acknowledging also that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights,[39] the panel discussion on the relationship between climate change and human rights, held on 15 June 2009, at the eleventh session of the Human Rights Council, and the 2010 Social Forum, which focused on the relationship between climate change and human rights,

Emphasizing that climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self-determination and the right to safe drinking water and sanitation, and recalling that in no case may a people be deprived of its own means of subsistence,

Expressing concern that, while these implications affect individuals and communities around the world, the effects of climate change will be felt most acutely by those segments of the population that are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability,

Recognizing that climate change is a global problem requiring a global solution, and that effective international cooperation to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change in accordance with the provisions and principles of the Convention is important in order to support national efforts for the realization of human rights implicated by climate change-related impacts,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

1. *Reiterates its concern* that climate change poses an immediate and far-reaching threat to people and communities around the world and has adverse implications for the full enjoyment of human rights;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights:

(a) To convene, prior to the nineteenth session of the Human Rights Council, a seminar on addressing the adverse impacts of climate change on the full enjoyment of human rights, with a view to following up on the call for respecting human rights in all climate change-related actions and policies, and forging stronger interface and cooperation between the human rights and climate change communities;

[39] A/HRC/10/61.

(b) To invite States and other relevant stakeholders, including academic experts, civil society organizations and representatives of those segments of the population most vulnerable to climate change, to participate actively in the seminar;

(c) To invite the secretariat of the United Nations Framework Convention on Climate Change, the United Nations Environment Programme and the United Nations Development Programme to help organize the seminar, informed by the best available science, including the assessment reports and special reports of the Intergovernmental Panel on Climate Change;

3. *Decides* that the seminar will build on the previous work of the Human Rights Council and its mechanisms, such as the Social Forum and relevant special procedures, while taking into account the outcome of the sixteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Cancun, in 2010, and any pertinent issues arising from the seventeenth session of the Conference of the Parties to the Convention, to be held in Durban, in 2011;

4. *Requests* the Office of the High Commissioner:

(a) To submit to the Human Rights Council, at its twentieth session, a summary report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

(b) To make available to the Conference of the Parties to the United Nations Framework Convention on Climate Change, at its eighteenth session, the summary report of the seminar;

5. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned seminar and summary report;

6. *Decides* to remain seized of the matter.

37th meeting
30 September 2011

[Adopted without a vote.]

18/23
Promoting awareness, understanding and the application of the Universal Declaration of Human Rights through sport and the Olympic ideal

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights instruments,

Recognizing the potential of sport as a universal language that contributes to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote an inclusive society,

Recognizing also that sport and major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights,

Recognizing further the potential of sport and major sporting events in contributing to the achievement of the Millennium Development Goals, and noting that, as declared at the 2005 World Summit, sport has the potential to foster peace and development and to contribute to an atmosphere of tolerance and understanding among peoples and nations,

Recognizing the contribution of the Special Adviser to the Secretary-General on Sport for Development and Peace and the United Nations Office on Sport for Development and Peace to identify synergy and complimentarity between sport and the work of the United Nations to promote the values of diversity, tolerance and fairness and as a means to combat all forms of discrimination,

Reaffirming the need to combat discrimination and intolerance where they occur within and outside the sporting context,

Recalling Human Rights Council resolution 9/14 of 18 September 2008, in which the Council urged the United Nations High Commissioner for Human Rights to take measures, in consultation with various international sporting and other organizations, to enable them to contribute to the struggle against racism and racial discrimination,

Recognizing the imperative need to engage women and girls in the practice of sport for development and peace and, in this regard, welcoming activities that aim to foster and encourage such initiatives at the global level,

Recognizing also that special attention needs to be paid to ensuring non-discrimination, including the equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, including their active participation in all aspects of society, including sports,

Acknowledging the potential of sport and major sporting events to educate the youth of the world and to promote their inclusion through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Acknowledging also the benefits of regular sport, physical activity and play in the realization of the right to the enjoyment of the highest attainable standard of physical and mental health and as a means to prevent and treat illness and disease,

Recalling General Assembly resolution 65/4 of 18 October 2010, on sport as a means to promote education, health, development and peace, in which the Assembly emphasized and encouraged the use of sport as a vehicle to foster development and strengthen education for children and young persons; prevent disease and promote health, including the prevention of drug abuse; empower girls and women; foster the inclusion and well-being of persons with disabilities; and facilitate social inclusion, conflict prevention and peacebuilding,

Recalling also General Assembly resolution 64/4 of 19 October 2009, on the building of a peaceful and better world through sport and the Olympic ideal and, in this context, welcoming the adoption on the same date of resolution 64/3, in which the Assembly invited the International Olympic Committee to participate in its sessions and work in the capacity of observer,

Acknowledging the valuable contribution that the appeal launched by the International Olympic Committee for an Olympic Truce could make towards advancing the purposes and principles of the Charter,

Recognizing the need to observe, within the framework of the Charter, the Olympic Truce, individually and collectively, throughout the period beginning with the start of the Games of the XXX Olympiad and ending with the closing of the XIV Paralympic Games,

Welcoming the hosting of the 2012 and 2016 Summer Olympic and Paralympic Games in the cities of London and Rio de Janeiro, respectively, the hosting of the 2014 Winter Olympic and Paralympic Games in Sochi and the 2018 Winter Olympic Games in PyeongChang, and stressing the opportunity to make use of these events to promote awareness of the Universal

Declaration of Human Rights among those watching and participating and of how the principles of the Olympic Charter, aimed at, inter alia, non-discrimination, equality, inclusion, respect and mutual understanding, relate to the Declaration and can translate into all aspects of society,

Recognizing therefore the need to reflect on the value of relevant principles enshrined in the Olympic Charter and on the value of good sporting example in achieving the universal respect for and realization of all human rights,

1. *Decides* to convene, within existing resources, at its nineteenth session, a high-level interactive panel discussion to highlight, examine and suggest ways in which sport and major sporting events, in particular the Olympic and Paralympic Games, can be used to promote awareness and understanding of the Universal Declaration of Human Rights and the application of the principles enshrined therein;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the above-mentioned panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

37th meeting
30 September 2011

[Adopted without a vote.]

18/24
Advisory services and technical assistance for Burundi

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Bearing in mind Commission on Human Rights resolution 2004/82 of 21 April 2004 and Human Rights Council resolutions 6/5 of 29 September 2007, 9/19 of 24 September 2008 and 16/34 of 25 March 2011,

1. *Commends* the efforts of the Government of Burundi to promote and protect human rights;

2. *Reaffirms* Human Rights Council resolution 9/19, by which the Council extended the mandate of the independent expert on the situation of human rights in Burundi until the establishment of an independent national human rights commission;

3. *Welcomes* in this regard the adoption of Law 1/04 of 5 January 2011 creating an independent national human rights commission, and the effective establishment of a human rights institution on 23 May 2011;

4. *Takes note* of the holding during its seventeenth session of an interactive dialogue on the report of the independent expert and of his presentation on the completion of the mandate, in which he acknowledged the establishment of an independent national human rights commission, in accordance with the Paris Principles, satisfying therefore the requirements of paragraph 8 of resolution 9/19;

5. *Encourages* the independent national human rights commission to submit a request for accreditation to the International Coordinating Committee of National Human Rights Institutions;

6. *Strongly urges* the international community to increase its technical and financial assistance to the Government of Burundi with a view to supporting its efforts to promote and protect human rights.

38th meeting
30 September 2011

[Adopted without a vote.]

18/25
Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 on institution-building of the Council and 5/2 on a code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Recalling further Council resolution 15/20 of 30 September 2010 and other relevant resolutions,

Bearing in mind the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,[40]

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

[40] A/HRC/18/47.

Taking note of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

I. Khmer Rouge Tribunal

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the commencement of the trial of case 002 against Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan on 27 June 2011, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and the efforts of the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

II. Democracy and situation of human rights

4. *Welcomes*:

(a) The positive engagement of the Government of Cambodia in the universal periodic review process as well as its acceptance of all the recommendations thereon and the progress so far on their implementation;

(b) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur on the situation of human rights in Cambodia;

(c) The report of the Special Rapporteur on the situation of human rights in Cambodia[41] and the recommendations contained therein;

(d) The efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the new penal code;

(e) The work being conducted by the Government of Cambodia to submit three basic draft laws to the National Assembly, whose enactment would enhance the independence of the judicial process, namely the draft Law on the Status of Judges and Prosecutors, the draft Law on the Organization and Functioning of the Courts, and the draft amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy;

(f) The efforts made by the Government of Cambodia in combating corruption, including the implementation of the new penal code and the anti-corruption law as well as the commencement of activities of the Anti-Corruption Unit;

[41] A/HRC/18/46.

(g) The efforts made by the Government of Cambodia in combating trafficking in persons for both sexual and economic exploitation;

(h) The efforts made by the Government of Cambodia to resolve land issues through, inter alia, the implementation of relevant laws and regulations as well as dialogue with relevant stakeholders;

(i) The commitments made and the progress achieved by the Government of Cambodia to adhere to and implement its obligations under international human rights treaties and conventions, including its commitment to establish a national human rights institution and to encourage that this be done upon sufficient consultation with relevant stakeholders;

(j) The efforts made by the Government of Cambodia to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in October 2010;

(k) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

(l) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

5. *Expresses its concern* about some areas of the human rights situation in Cambodia, and urges the Government of Cambodia:

(a) To continue to strengthen its efforts to establish the rule of law, including through the adoption and further implementation of essential laws and codes for establishing a democratic society;

(b) To continue its efforts at judicial reform, including through the swift adoption and implementation of the above-mentioned three basic laws in order to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole, as well as the transfer of knowledge of court officials at the Extraordinary Chambers in the Courts of Cambodia and the sharing of good practices at the Court;

(c) To continue its efforts to combat corruption, including through the implementation of an anti-corruption law;

(d) To continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

(e) To enhance its efforts to resolve equitably and expeditiously land ownership and tenure issues in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the 2001 Land law, the Law on Expropriation, the Circular on Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

(f) To make continuous efforts to promote an environment conducive to the conduct of legitimate political activity by all political parties so that the forthcoming local and national elections will be held in a free and fair manner;

(g) To encourage and enable non-governmental organizations and the media to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting the freedom of association of non-governmental organizations;

(h) To make additional efforts, in concert with the international community, to combat key problems, such as trafficking in persons, the exploitation of labour, sexual violence, domestic violence and the sexual exploitation of women and children;

(i) To take further steps to meet its obligations under international human rights treaties and conventions and, to this end, strengthen further its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

(j) To continue to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression and, to this end, further ensuring that relevant laws, inter alia, the new penal code, are interpreted and applied in a judicious manner, as well as to promote economic, social and cultural rights in accordance with the rule of law;

(k) To work with the legislature with a view to promoting the latter's independence and effectiveness, including by ensuring the meaningful participation of parliamentarians from various political parties in its deliberations;

III. Conclusion

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in strengthening democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(a) Drafting laws and assisting the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(c) Capacity-building to strengthen national institutions for criminal investigation and law enforcement, as well as providing equipment necessary for these ends;

(d) The formulation of a plan of implementation of universal periodic review recommendations, clarifying the areas in which the Government of Cambodia would welcome technical and other assistance;

(e) Assisting the assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all necessary assistance to the Extraordinary Chambers in the Courts of Cambodia, which would help ensure the non-return to the policies and practices of the past, as envisioned by the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government of Cambodia;

9. *Decides* to extend by two years the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its twenty-first and twenty-fourth sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its twenty-first and twenty-fourth sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its twenty-fourth session.

38th meeting
30 September 2011

[Adopted without a vote.]

18/26
The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

Recognizing the renewed commitments to achieve the Millennium Development Goals by their target date of 2015, as set out in the outcome document adopted at the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,[42]

Emphasizing the urgent need to make the right to development a reality for everyone,

Taking note of the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all and, in this regard, encouraging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recalling that 2011 marks the twenty-fifth anniversary of the Declaration on the Right to Development,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to

[42] See General Assembly resolution 65/1.

development and to enhance support from relevant bodies of the United Nations system for this purpose,

1. *Welcomes* the holding of the panel entitled "The way forward in the realization of the right to development: between policy and practice" during the eighteenth session of the Human Rights Council as part of the series of events commemorating the twenty-fifth anniversary of the Declaration on the Right to Development;

2. *Takes note* of the note by the Secretariat[43] informing the Human Rights Council that the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development, in compliance with General Assembly resolution 65/219 of 21 December 2010, would be submitted to the Council at its nineteenth session, and that the twelfth session of the intergovernmental open-ended Working Group on the Right to Development was scheduled for 14 to 18 November 2011;

3. *Notes* the efforts under way in the framework of the Working Group on the Right to Development, with a view to completing the tasks entrusted to it by the Human Rights Council in its resolution 4/4, and reaffirms the conclusions and recommendations of the Working Group agreed at its eleventh session;[44]

4. *Also notes* the work of the high-level task force on the implementation of the right to development, the mandate of which ended in 2010, including its consolidation of findings and the list of right to development criteria and corresponding operational sub-criteria;[45]

5. *Recalls* that the Working Group on the Right to Development will consider at its twelfth session the two compilations of views received from Governments, groups of Governments and regional groups, and from other stakeholders, on the work of the high-level task force;

6. *Decides*:

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals and, in this regard, lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) That the criteria and corresponding operational sub-criteria mentioned in paragraph 4 above, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(c) That the Working Group on the Right to Development shall take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature through a collaborative process of engagement;

7. *Encourages* the High Commissioner to pursue her efforts, in fulfilment of her mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all General Assembly, Commission on Human Rights and Human Rights

[43] A/HRC/18/22.
[44] A/HRC/15/23, paras. 45-47.
[45] See A/HRC/15/WG.2/TF/2 and Add.1 and 2.

Council resolutions on the right to development, and agreed conclusions and recommendations of the Working Group;

8. *Decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

38th meeting
30 September 2011

[Adopted by a recorded vote of 45 to none, with 1 abstention. The voting was as follows:

In favour:

Angola, Austria, Bangladesh, Belgium, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Djibouti, Ecuador, Guatemala, Hungary, India, Indonesia, Italy, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, Uruguay

Abstaining:

United States of America]

18/27
From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action,

Recalling also General Assembly resolution 57/195 of 18 December 2002, in which the Assembly assigned responsibilities to the relevant United Nations institutions to ensure the effective implementation of the Durban Declaration and Programme of Action at the international level,

Recalling further Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, and Human Rights Council resolution 9/14 of 24 September 2008,

Welcoming General Assembly resolution 65/36 of 6 December 2010, containing the programme of activities for the International Year for People of African Descent,

Recalling General Assembly resolution 65/240 of 24 December 2010,

Underlining the fact that the tenth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the world community to reaffirm its political will and commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and that maximum efforts should be made to celebrate the anniversary in all regions through a wide range of activities,

Welcoming the political declaration of the High-level Meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and

Programme of Action, adopted on 22 September 2011,[46] which reaffirmed the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, and their follow-up processes at the national, regional and international levels,

Stressing the importance of a consistent global effort to inform the public about the contribution that the Durban Declaration and Programme of Action has made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Appreciating the contributions of the Durban follow-up mechanisms to the tenth anniversary commemorations as well as the contributions of non-governmental organizations, which were broad-based, regionally balanced and consistent with the objectives of the commemoration,

1. *Welcomes* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action, as well as the outcome document of the Durban Review Conference, including by increasing efforts to complement the work of other Durban follow-up mechanisms with a view to achieving better coordination and synergy with other human rights mechanisms, thereby avoiding duplication of initiatives;

2. *Takes note* of the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action;[47]

3. *Welcomes and acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against Africans and people of African descent and, in this regard, takes note of the report of the Working Group;[48]

4. *Welcomes* the political declaration adopted by the General Assembly during its High-level Meeting to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[46] held in New York on 22 September 2011, which reaffirmed the political commitment to and mobilized the political will for the full and effective implementation of the Durban Declaration and Programme of Action;

5. *Calls for* renewed efforts to mobilize political will for the full and effective implementation of the Durban Declaration and Programme of Action;

6. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to implement fully paragraphs 53 and 57 of General Assembly resolution 65/240, on the establishment of an outreach programme and a public information campaign for the commemoration and follow-up thereto, including by distributing copies of the Durban Declaration and Programme of Action widely and with translations thereof;

7. *Decides* that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action should convene its tenth session from 8 to 19 October 2012;

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[46] General Assembly resolution 66/3.

[47] A/HRC/16/64.

[48] A/HRC/18/45.

8. *Requests* the Secretary-General to make available to the Human Rights Council at its twentieth session his progress report submitted to the General Assembly pursuant to Assembly resolution 65/36;

9. *Encourages* the High Commissioner to initiate consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination;

10. *Invites* Member States, the United Nations system and all relevant stakeholders, including non-governmental organizations, to intensify their efforts in building support for the Durban Declaration and Programme of Action in the follow-up to the commemoration of its tenth anniversary;

11. *Decides* to remain seized of this important issue.

38th meeting
30 September 2011

[Adopted by a recorded vote of 35 to 1, with 10 abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

United States of America

Abstaining:

Austria, Belgium, Czech Republic, Hungary, Italy, Poland, Republic of Moldova, Romania, Spain, Switzerland]

18/28
Mandate of the Working Group of Experts on People of African Descent

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Recalling all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism, racial discrimination, xenophobia and related intolerance, in particular Council resolution 9/14 of 18 September 2008 on the mandate of the Working Group of Experts on People of African Descent,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Stressing the imperative need for the Working Group of Experts on People of African Descent to accomplish its mandate, including in accordance with paragraphs 5 to 7 of the Durban Declaration and Programme of Action,

1. *Decides* to extend the mandate of the Working Group of Experts on People of African Descent for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 9/14;

2. *Also decides* that the Working Group shall undertake a minimum of two country visits per year;

3. *Requests* all Governments to cooperate fully with the Working Group in the discharge of its mandate, including by responding promptly to the Working Group's communications and by providing the information requested;

4. *Requests* the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate;

5. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Human Rights Council, national human rights institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group, including by, inter alia, providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate, including with regard to field missions;

6. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the human, technical and financial assistance necessary for the effective fulfilment of its mandate;

7. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the open-ended sessions of the Working Group, and invites States to contribute to that fund.

38th meeting
30 September 2011

[Adopted without a vote.]

III. Decisions

18/101
Outcome of the universal periodic review: Belgium

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Belgium on 2 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Belgium which is constituted of the report of the Working Group on Belgium (A/HRC/18/3), together with the views of Belgium concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/3, chapter VI).

18th meeting
21 September 2011

[Adopted without a vote.]

18/102
Outcome of the universal periodic review: Denmark

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Denmark on 2 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Denmark which is constituted of the report of the Working Group on Denmark (A/HRC/18/4), together with the views of Denmark concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/4/Add.1).

18th meeting
21 September 2011

[Adopted without a vote.]

18/103
Outcome of the universal periodic review: Palau

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Palau on 3 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Palau which is constituted of the report of the Working Group on Palau (A/HRC/18/5), together with the views of Palau concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/5/Add.1).

18th meeting
21 September 2011

[Adopted without a vote.]

18/104
Outcome of the universal periodic review: Somalia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Somalia on 3 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Somalia which is constituted of the report of the Working Group on Somalia (A/HRC/18/6), together with the views of Somalia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI).

20th meeting
21 September 2011

[Adopted without a vote.]

18/105
Outcome of the universal periodic review: Seychelles

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Seychelles on 4 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Seychelles which is constituted of the report of the Working Group on Seychelles (A/HRC/18/7), together with the views of Seychelles concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI).

20th meeting
21 September 2011

[Adopted without a vote.]

18/106
Outcome of the universal periodic review: Solomon Islands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Solomon Islands on 4 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Solomon Islands which is constituted of the report of the Working Group on the Solomon Islands (A/HRC/18/8 and A/HRC/18/8/Corr.1), together with the views of the Solomon Islands concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI).

20th meeting
21 September 2011

[Adopted without a vote.]

18/107
Outcome of the universal periodic review: Latvia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Latvia on 5 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Latvia which is constituted of the report of the Working Group on Latvia (A/HRC/18/9), together with the views of Latvia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/9/Add.1).

21st meeting
22 September 2011

[Adopted without a vote.]

18/108
Outcome of the universal periodic review: Sierra Leone

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Sierra Leone on 5 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Sierra Leone which is constituted of the report of the Working Group on Sierra Leone (A/HRC/18/10), together with the views of Sierra Leone concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/10/Add.1).

21st meeting
22 September 2011

[Adopted without a vote.]

18/109
Outcome of the universal periodic review: Singapore

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Singapore on 6 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Singapore which is constituted of the report of the Working Group on Singapore (A/HRC/18/11), together with the views of Singapore concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/11/Add.1).

21st meeting
22 September 2011

[Adopted without a vote.]

18/110
Outcome of the universal periodic review: Suriname

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Suriname on 6 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Suriname which is constituted of the report of the Working Group on Suriname (A/HRC/18/12), together with the views of Suriname concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/12/Add.1).

23rd meeting
22 September 2011

[Adopted without a vote.]

18/111
Outcome of the universal periodic review: Greece

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Greece on 9 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Greece which is constituted of the report of the Working Group on Greece (A/HRC/18/13), together with the views of Greece concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/13/Add.1).

23rd meeting
22 September 2011

[Adopted without a vote.]

18/112
Outcome of the universal periodic review: Samoa

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Samoa on 9 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Samoa which is constituted of the report of the Working Group on Samoa (A/HRC/18/14), together with the views of Samoa concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/14/Add.1).

23rd meeting
22 September 2011

[Adopted without a vote.]

18/113
Outcome of the universal periodic review: Saint Vincent and the Grenadines

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Saint Vincent and the Grenadines on 10 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Saint Vincent and the Grenadines which is constituted of the report of the Working Group on Saint Vincent and the Grenadines (A/HRC/18/15), together with the views of Saint Vincent and the Grenadines concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/15/Add.1).

25th meeting
23 September 2011

[Adopted without a vote.]

18/114
Outcome of the universal periodic review: Sudan and South Sudan

18/114
A. Outcome of the Universal Periodic Review: Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Sudan on 10 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Sudan which is constituted of the report of the Working Group on the Sudan (A/HRC/18/16), together with the views of the Sudan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/16/Add.1).

18/114
B. Outcome of the Universal Periodic Review: South Sudan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of South Sudan on 10 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on South Sudan which is constituted of the report of the Working Group on South Sudan (A/HRC/18/16), together with the views of South Sudan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI).

25th meeting
23 September 2011

[Adopted without a vote.]

18/115
Outcome of the universal periodic review: Hungary

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Hungary on 11 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Hungary which is constituted of the report of the Working Group on Hungary (A/HRC/18/17), together with the views of Hungary concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/17/Add.1).

25th meeting
23 September 2011

[Adopted without a vote.]

18/116
Outcome of the universal periodic review: Papua New Guinea

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Papua New Guinea on 11 May 2011 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Papua New Guinea which is constituted of the report of the Working Group on Papua New Guinea (A/HRC/18/18 and A/HRC/18/18/Corr.1), together with the views of Papua New Guinea concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/18/2, chapter VI and A/HRC/18/18/Add.1).

38th meeting
30 September 2011

[Adopted without a vote.]

18/117
Reporting by the Secretary-General on the question of the death penalty

At its 34th meeting, on 28 September 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Taking note of Commission on Human Rights resolution 2005/59 of 20 April 2005 and Human Rights Council decision 2/102 of 6 October 2006,

Requests the Secretary-General to continue to submit to the Human Rights Council, in consultation with Governments, specialized agencies and intergovernmental and non governmental organizations, a yearly supplement to his quinquennial report on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty on persons younger than 18 years of age at the time of the offence, on pregnant women and on persons with mental or intellectual disabilities."

[Adopted without a vote.]

18/118
Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

At its 35th meeting, on 29 September 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and 16/21 of 25 March 2011,

Recalling also General Assembly resolution 65/281 of 17 June 2011, in which the Assembly adopted the text entitled 'Outcome of the review of the work and functioning of the Human Rights Council',

Recalling further that, in paragraph 30 of the above-mentioned outcome document, the Human Rights Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts,

Recalling Human Rights Council resolution 12/2 of 1 October 2009 and all relevant resolutions of the Commission on Human Rights, the last being resolution 2005/9 of 14 April 2005,

Taking note of the latest reports of the Secretary-General on this question,[49]

1. *Urges* States to take all necessary measures to prevent the occurrence of reprisals and intimidation, bearing in mind that free and unhindered contact and cooperation with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Also urges* States to investigate any alleged acts of intimidation or reprisal, and encourages them to inform the Human Rights Council, on a voluntary basis, of all measures taken to address acts of intimidation or reprisal, including preventive actions and investigative efforts, as well as, where confirmed, on remedies provided, including prosecution, and to share best practices in this regard;

3. *Decides* to convene, within existing resources, at its twenty-first session, a panel discussion under agenda item 5 on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report on the outcome of the panel discussion in the form of a summary;

5. *Encourages* Members and observers of the Human Rights Council to address the issue of cooperation of individuals and groups with the United Nations, its representatives and mechanisms in the field of human rights in the general debate under agenda item 5."

[Adopted without a vote.]

[49] A/HRC/14/19 and A/HRC/18/19.

18/119
Panel on freedom of expression on the Internet

At its 36th meeting, on 29 September 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Reaffirming the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 12/16 of 2 October 2009,

Noting that freedom of expression on the Internet is an issue of increasing interest as the rapid pace of technological development enables people all over the world to use new communications technology,

Taking note of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth session, on freedom of expression on the Internet,[50]

1. *Decides* to convene, within existing resources, at its nineteenth session, a panel discussion on the promotion and protection of freedom of expression on the Internet, with a particular focus on the ways and means to improve its protection in accordance with international human rights law;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring multi-stakeholder participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary."

[Adopted without a vote.]

18/120
Human rights and unilateral coercive measures

At its 38th meeting, on 30 September 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council*,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

[50] A/HRC/17/27.

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Reaffirming Human Rights Council resolution 15/24 of 6 October 2010, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, taking into account all previous reports, resolutions and relevant information available to the United Nations system in this regard, and to present the study to the Council at its eighteenth session,

Taking note of the note by the Secretariat[51] informing the Human Rights Council that the above-mentioned thematic study was under preparation, required additional time for its completion and would therefore be submitted to the Human Rights Council at its nineteenth session,

Decides to examine this question in accordance with its annual programme of work under the same agenda item."

[Adopted by a recorded vote of 34 to 12, with no abstentions. The voting was as follows:

In favour:

Angola, Bangladesh, Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Cuba, Djibouti, Ecuador, Guatemala, India, Indonesia, Jordan, Kuwait, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay

Against:

Austria, Belgium, Czech Republic, Hungary, Italy, Norway, Poland, Republic of Moldova, Romania, Spain, Switzerland, United States of America]

18/121
Procedural decision on the annual cycle of the Advisory Committee

At its 38th meeting, on 30 September 2011, the Human Rights Council decided to adopt the following text:

"*The Human Rights Council,*

Recalling its resolution 16/21 of 12 April 2011, on the review of the work and functioning of the Human Rights Council and, in particular, section III of the annex to that resolution, entitled 'Advisory Committee', providing for the annual report of the Advisory Committee to be submitted to the Council at its September session and to be the subject of an interactive dialogue with the Committee Chairperson,

[51] A/HRC/18/28.

Taking note of the letter addressed by the Chairperson of the Advisory Committee to the President of the Human Rights Council on 12 August 2011 concerning the Committee cycle,

1. *Decides* that the cycle of the Advisory Committee shall be adjusted to run from 1 October to 30 September, to ensure that the annual reporting of the Committee to the Council and the interactive dialogue thereon will take place at the end of the cycle;

2. *Also decides* that, as a transitional measure, the period of office of members of the Advisory Committee ending in March 2012 will be exceptionally extended until 30 September 2012."

[Adopted without a vote.]

IV. President's statements

PRST 18/1
Technical assistance and capacity-building in Haiti

At the 37th meeting, held on 30 September 2011, the President of the Council read out the following statement:

"Upon the request of the authorities of Haiti, the Human Rights Council has decided to technically extend the mandate of the independent expert on the situation of human rights in Haiti until the nineteenth session of the Council."

PRST 18/2

At the 38th meeting, held on 30 September 2011, the President of the Human Rights Council read out the following statement:

"*The Human Rights Council*,

Acknowledging the need for constructive dialogue between the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council, and recognizing the progress already made by the High Commissioner in presenting information on sources and allocation of funding to her Office in her annual report,

Emphasizing the importance of further enhancing cooperation of the Office of the High Commissioner with the Human Rights Council in fulfilling its mandate, and noting the need for regular and transparent exchanges of information in this regard,

Reaffirming that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

Invites the High Commissioner to include in her annual report detailed information on:

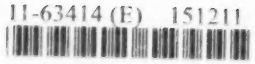
(a) Allocations of the regular budget, according to programme and mandates;

(b) Voluntary contributions received by the Office of the High Commissioner and their specific allocation;

(c) Allocation of earmarked and unearmarked contributions, according to programmes and mandates;

(d) Allocation of funding for the special procedures, which would be considered at a mutually agreed forum."

11-63414 (E) 151211



Please recycle